

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

LAMONT B. SIMMONS  
MELISSA R. SIMMONS et al  
Plaintiffs,

vs.

**Case No. 08-6263-SCR**

ROUNDUP FUNDING, LLC  
MALEN & ASSOCIATES, P.C.  
Defendants.

-----X

**PLEASE TAKE NOTICE** that Plaintiff, LAMONT B. SIMMONS and MELISSA R. SIMMONS, by and through his undersigned counsel, Joshua N. Bleichman, pursuant to Federal Rules of Civil Procedure 59(e) hereby makes application to this Court for Reconsideration of its Order dated September 22, 2009 based upon the Affirmation of Joshua N. Bleichman and the Memorandum of Law filed herewith as soon as counsel may be heard.

Dated: September 30, 2009  
Spring Valley, New York

/s/ Joshua N. Bleichman

Joshua N. Bleichman  
Attorney for Plaintiffs  
268 ROUTE 59  
Spring Valley, NY 10977  
(845) 425-2510